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Implementation Protection of The Defendants Rights Through Process of Criminal Justice in Indonesia

ABSTRACT

This study comprehensively examines the implementation of defendants' rights protection within the criminal justice process in Indonesia, reviewing the intersection and normative tensions between general criminal law according to Criminal Procedure Code and the new Criminal Code (KUHP & KUHP) and special criminal law (lex specialis). Employing a normative legal research method with statute and conceptual approaches, the findings indicate that although normative guarantees such as the presumption of innocence, the right to legal assistance, and the right to defense are explicitly established, their operational implementation frequently encounters practical obstacles including public opinion, limited access to justice, and procedural deviations within extraordinary crime regimes. The discussion emphasizes the necessity of maintaining a proportional balance between crime enforcement effectiveness and human rights protection through the strengthening of independent judicial roles and consistent regulatory harmonization to achieve substantive and humane criminal justice.

Keywords: Defendants' Protection, Criminal Justice, Presumption of Innocence, Legal Aid, Special Criminal Law.

INTRODUCTION

Indonesia's criminal law system stands on a philosophical foundation that balances the protection of the public interest and guarantees of individual human rights. Criminal law is essentially a public legal instrument that gives the state the authority to limit a person's freedom for the sake of creating social order and peace.ⁱ However, the power possessed by the state through law enforcement officials has the potential to cause arbitrary actions if it is not limited by strict and measurable legal provisions.ⁱⁱ

The development of criminal justice system in Indonesia has undergone a fundamental transformation along with the transition of the constitutional system and regulatory reforms. Prior to the birth of the Criminal Procedure Code (KUHAP) through Law Number 8 of 1981, the law enforcement process tended to place individuals suspected of committing crimes as the object of examination through the inquisitor's approach.ⁱⁱⁱ The change in the philosophy of law enforcement brought about by the Criminal Procedure Code seeks to provide protection for human rights by maintaining a balance between individual interests and public interests, as well as placing suspects and defendants as subjects of dignity and dignity of the law^{iv}.

Defendants as legal subjects in criminal justice proceedings have a vulnerable position before state power. In the framework of positive criminal law, a person who is brought before a court hearing as a defendant is still guaranteed his basic rights by law to ensure the implementation of a fair legal process (*due process of law*). This protection includes guarantees to provide information freely, the right to legal assistance, and the right to defend themselves before a panel of judges. The existence of this normative guarantee aims to prevent *miscarriage of justice* in imposing sentences.

The principle of the *presumption of innocence* is one of the most essential foundations in the protection of the rights of the accused. This principle requires that every person who is suspected, arrested, prosecuted, or brought before a court hearing must be presumed innocent before there is a court decision declaring his or her guilt and obtaining permanent legal force. The juridical consequences of this principle place the burden of proof entirely on the Public Prosecutor to prove his charges, while the defendant is not burdened with the obligation to prove his innocence.^v

In addition to that principle, the right to legal aid and legal counseling is a crucial instrument in realizing *equality before the law*. In the context of a criminal trial, the disparity in legal understanding between ordinary defendants and public prosecutors can be compensated through the presence of legal counsel and the implementation of adequate legal counseling. The law requires officials at each level of examination to appoint legal counsel for defendants who are threatened with the death penalty, fifteen years or more, as well as for those who are incapacitated. This legal aid is not just a formality assistance, but a guarantee that the procedural rights of the defendant are not neglected during the trial.^{vi}

The criminal justice process in Indonesia is currently in an important transition phase with the enactment of a new Criminal Code, Law Number 1 of 2023. The new codification of the national criminal law brings a reorientation of the criminal paradigm, from initially focusing on retribution to a more corrective, rehabilitative, and restorative approach.^{vii} This paradigm change has direct implications for the perspective of law enforcement officials in assessing the position of the accused and determining the type of sanctions threatened.

The reform of the material criminal law through the 2023 Criminal Code also accommodates alternative crimes that prioritize social recovery rather than imprisonment alone. The introduction of sanctions such as supervision and social work crimes aims to overcome the systemic problem of overcapacity of correctional institutions while providing more substantive justice.^{viii} In this framework, the right of defendants to obtain a fair and humane verdict becomes increasingly open, because the panel of judges is equipped with more varied sanctions options according to the level of guilt and personal condition of the perpetrator.^{ix}

In addition to the reform of general material criminal law, the dynamics of modern crime encourage the birth of various special criminal rules outside the Criminal Code. Special criminal law is formed as *a lex specialis* to deal with certain criminal acts that have high complexity and broad impacts, such as corruption, terrorism, narcotics, and cybercrime. The presence of this special criminal law often contains provisions for deviations both in terms of material law and procedural law for the effectiveness of law enforcement.^x

The application of special criminal law often poses its own challenges for the protection of the rights of defendants. The specificity of the procedure, such as reverse evidence limited to corruption cases, longer detention in terrorism cases, and the use of electronic evidence, has the potential to shift the balance between the interests of crime enforcement and protection of human rights of the accused.^{xi}

Judges in the trial process play a central role as the main guardian of a fair trial. In examining and deciding cases, judges must base their decision on at least two valid pieces of evidence and obtain a conviction that the crime actually occurred and that the defendant is guilty of committing it.^{xii} The free and impartial position of the judge greatly determines whether the defendant's rights

to defend himself and present mitigating evidence (*witness a decharge*) are adequately accommodated during the trial.^{xiii}

The evidentiary process is the most crucial stage in the trial that determines the legal fate of the defendant. Through the submission of valid evidence, such as witness statements, expert testimony, letters, instructions, and the defendant's statement, legal facts are tested openly.^{xiv} The defendant is given the space to respond, refute circumstantial evidence, and submit a memorandum of defense (*pleidoi*) either personally or through his legal counsel before the panel of judges renders a verdict.^{xv}

Although Indonesia's criminal law system has formulated a comprehensive protection framework, implementation in the field still often faces technical and practical obstacles. In various trial practices, the fulfillment of defendants' rights is sometimes still seen as a mere procedural formality. Law enforcement officials' uneven understanding of the essence of *due process of law* and limited access to legal aid for the poor are operational challenges that require serious attention.^{xvi}

The two main legal frameworks in Indonesia, namely general criminal law and special criminal law, continue to undergo normative adjustments to align with the demands of national law reform. The integration between the general principles of the Criminal Code as *a lex generalis* and specific provisions in sectoral laws as *a lex specialis* requires a harmonization of implementation so as not to compromise the procedural rights of defendants.^{xvii} Effective law enforcement must go hand in hand with respect for the guarantee of human protection.

Studies on the implementation of protection the defendant rights are very relevant to be evaluated periodically as the transition to the full implementation of the new Criminal Code progresses. Evaluation application of legal principles, the existence of alternative sanctions, and the dynamics of procedural law in general and special cases are urgently needed to realize fair criminal justice. The arrangement of trial norms and practices is expected to minimize the potential for arbitrariness and strengthen the transparency of the judiciary.

Based on this background, this study aims to examine in depth how the implementation for protecting the defendants rights in the criminal justice process in Indonesia, as well as the juridical challenges faced both in the framework of general criminal law and special criminal law. Through this

dogmatic and normative review, it is hoped that constructive ideas can be formulated in encouraging criminal law enforcement that is not only effective in cracking down on crimes, but also consistently upholds the dignity, dignity, and basic rights of defendants.

RESEARCH METHODS

This research uses a normative legal research method that focuses on the study of legal principles, legal systematics, and the degree of vertical and horizontal synchronization related to the norms for the protection of the rights of defendants in Indonesian criminal law. The problem approach used includes a *statute approach* by examining the provisions of the Criminal Code, the new Criminal Code (Law No. 1 of 2023), as well as special criminal laws, as well as a *conceptual approach* to dissect criminal law doctrines regarding *due process of law*, principles of legality, and criminal theories.

The legal materials used in this study consist of primary legal materials and secondary legal materials. Primary legal materials include related laws and regulations, namely the old Criminal Code, the 2023 Criminal Code, the Criminal Code, as well as special criminal laws such as the Law on the Eradication of Corruption and the Law on the Eradication of Terrorism Crimes. Meanwhile, secondary legal materials are obtained from main legal literature written by criminal law experts, scientific journals, academic textbooks, and the views of criminal law experts relevant to the focus of the study.

The technique of collecting legal materials is carried out through *library research* by inventorying, recording, and classifying legal materials that are in accordance with the subject matter. The collected legal materials are then analyzed using normative qualitative analysis methods by applying legal interpretations (such as grammatical, systematic, and teleological interpretations) and legal logic. The results of the analysis are presented in a descriptive-analytical manner to provide a systematic, comprehensive, and objective picture of the implementation of the protection of the rights of defendants in the criminal justice process in Indonesia.

RESULTS AND DISCUSSION

The implementation for protecting rights of defendants in the criminal justice process in Indonesia based on normative review and law enforcement practices shows a very complex dynamic between general criminal law (KUHP & KUHP) and special criminal law (*lex specialis*). Based on an in-depth analysis of regulations, legal doctrines, and law enforcement literature, the results of the research are classified into the following comprehensive description:

Implementation of the *Presumption of Innocence* Principle in the Examination of Criminal Cases

Normative Meaning and Subjective Protection

The principle of presumption innocence is a very essential fundamental protection instrument so that every individual who has the status of a defendant is not treated arbitrarily by the holder of state power before the existence of a court decision with permanent legal force (*inkracht van gewijsde*).^{xviii} Philosophically and juridically, this principle places human beings as subjects who have dignity, dignity, and human rights that should not be deprived solely based on the subjective conjecture or opinion of law enforcement. This subjective protection ensures that the personal rights of the defendant, such as physical freedom, honor, good name, and psychological rights, are still recognized and protected by positive law even though he is in the grip of a strict criminal justice process. In modern judicial practice, the existence of this principle serves as a safeguard so that law enforcement officials do not get caught up in arrogance of power that can lead to unfair treatment or procedural arbitrariness.^{xix}

Burden of Proof (Probandi's Onus)

The logical and most basic consequence of the application of the principle of presumption innocence is the affirmation that the Public Prosecutor bears the full and absolute obligation to prove the guilt of the defendant at trial. The defendant is not burdened with a legal obligation to prove his innocence (*non-incrimination*), because the principle of criminal procedure law adheres to the doctrine that whoever postulates a criminal act, then he is the one who is obliged to prove it legally and convincingly.^{xx} In this framework, the panel of judges can only declare a person guilty if the public prosecutor is able to present at least two

valid pieces of evidence accompanied by the judge's belief that the criminal act really occurred and the defendant is the perpetrator.^{xxi}

Practical Obstacles in the Field

Although normatively the principle of presumption innocence has been expressly guaranteed in the law, its implementation in the field often faces quite complicated psychological and social obstacles.^{xxii} Public opinion, which is often glorified by the mass media and social media from the investigation stage, often creates an early judgment (*trial by press*), so that the defendant seems to have been convicted long before the judge's hammer is knocked in the courtroom. This condition degrades the substantial meaning of that principle, resulting in the defendant experiencing severe social stigma, social exclusion, and permanent reputational damage even though the court decision later declares him innocent.^{xxiii} This kind of public pressure also indirectly provides an additional psychological burden for the panel of judges and law enforcement officials in maintaining the independence and objectivity of the examination of cases before the trial.

Fulfillment of the Right to Legal Aid and *Equality Before the Law*

Obligations of Appointment of Legal Counsel

Law enforcement officials are obligated imperatively and uncompromisingly to appoint legal counsel for defendants who are threatened with the death penalty or imprisonment for fifteen years or more, as well as for underprivileged groups who face serious criminal threats. This obligation is a tangible manifestation of the state's presence in ensuring that the instruments of justice are not only sharp for the lower class, but also fair for all groups regardless of social and economic status.^{xxiv} The right to legal aid itself is a constitutional right of citizens as a manifestation of the principle of equality before the law which is expressly guaranteed in Article 28D paragraph (1) of the Constitution of the Republic of Indonesia in 1945. This imperative provision is designed so that no citizen loses his right to defend simply because of procedural ignorance or financial inability to hire a professional lawyer, so that the principle of a democratic rule of law can be substantially enforced.^{xxv}

Reduction of Inequality in Legal Understanding

The presence of legal counsel at the side of the defendant during the trial process functions effectively and strategically to bridge the gaping gap of legal understanding between ordinary defendants and professional and experienced public prosecutors.^{xxvi} Legal counsel plays the role of testing the validity of evidence, straightening out deviant examination procedures, and drafting rational defense arguments based on positive law. Through the provision of good legal aid, both structural and non-structural, structural inequalities in the courtroom can be minimized. The structural legal aid approach even assumes that the problems of injustice faced by the poor are often rooted in unequal socio-structural conditions, so that their presence is able to provide balanced protection between the rights of suspects or defendants and the interests of law enforcement at trial.^{xxvii}

Restricted Access

Although normative guarantees are constitutionally available, various research findings show that the limited number of legal aid posts in remote areas, the lack of regional budget allocation for free legal aid, and low public legal awareness are still acute structural obstacles in realizing equitable procedural justice.^{xxviii} Many people in remote areas involved in criminal cases are forced to undergo the judicial process alone without adequate legal assistance due to the availability of defense budgets that have not yet been applied and the complexity of the funding bureaucracy. This creates a wide justice gap between urban communities that have wide access to legal aid institutions and marginalized communities in rural areas who have to struggle alone to face the criminal justice bureaucratic machinery.^{xxix}

Dynamics of the Protection of Defendants' Rights in the General Criminal Law System (KUHAP and New Criminal Code)

The enactment of Law Number 1 of 2023 concerning the Criminal Code (new Criminal Code) marks a new chapter in the shift in the orientation of national punishment from the traditional model of retributive and revenge to a more modern, corrective, rehabilitative, and restorative approach. This paradigm reorientation brings a breath of fresh air to the protection of the rights of the accused, because the criminal law system no longer views the perpetrator of a

crime as an object that must be destroyed in the future, but as a human being who needs to be fostered, awakened, and restored to his position in social life. This approach puts the protection of the human rights of the accused in a much more humane position, where the aspect of corrective justice is the main basis for imposing criminal sanctions.

The introduction of new forms of crime in the new Criminal Code, such as criminal supervision and social work crimes, provides a very wide range of discretion and flexibility for judges to impose sentences that are much more humane and substantive justice for defendants. These alternative sanctions are specifically designed to avoid the adverse effects of the stigmatization of correctional institutions against perpetrators of minor crimes or those who have committed violations of the law for the first time.^{xxx}

Defendants are guaranteed their full and constitutional right to give evidence freely without pressure before the trial, to submit witnesses and mitigating experts (*witness a decharge*), and to submit a memorandum of defense (*pleidoi*) independently or accompanied by legal counsel. These rights are at the core of the principle of an honest and fair trial, where the defendant is given equal argumentative space to dismantle the public prosecutor's indictment. This freedom to present a defense guarantees that the verdict handed down by the panel of judges is truly born from a mature, objective legal dialectic process that respects human rights in its entirety.^{xxxi}

Challenges to the Protection of Defendants' Rights in the Special Criminal Law Regime (*Lex Specialis*)

Special criminal law that includes the regulation of corruption, terrorism, narcotics, money laundering, and cybercrime is specifically established as a *lex specialis* instrument to respond to extraordinary *crimes* that have high complexity and have a wide destructive impact on the joints of state life. The characteristics of these crimes are organized, go beyond the territorial boundaries of the state, and use sophisticated modus operandi that is difficult to reach by conventional criminal law instruments.^{xxxii}

In order to compensate for the sophistication of the modus operandi of extraordinary crimes, the special criminal law regime often imposes drastic rules of exceptions and deviations from the general criminal procedure law. These

procedural deviations include the expansion of the authority of longer detention periods for investigators, restrictions on access to certain laws in the early stages of investigations, the use of special electronic evidence, and the application of a reverse evidentiary system (*omgekeerde bewijslast*) in certain cases. Although this instrument is considered effective in paralyzing organized crime networks, this deviation from the procedural rules on the other hand has the potential to shift the balance point and weaken the standard of protection rights of the accused if not strictly controlled.

The application of special instruments in the special criminal law has proven to be very effective in accelerating the eradication of serious crimes that harm state finances and threaten national security; but on the other hand, this poses a risk of shifting the limits of the guarantee of the rights of the accused if it is not strictly and independently supervised by the judiciary.^{xxxiii}

Discussion

The criminal justice system in Indonesia places the protection of human dignity and dignity as one of the main pillars in upholding a democratic state of law. Based on the theoretical framework of criminal law, the restriction of a person's freedom through public legal instruments should not be carried out arbitrarily, but must be subject to strict procedural limitations.^{xxxiv} The state through law enforcement officials is given the authority to take action, but this power is always balanced with the obligation to guarantee the fundamental rights of the accused throughout the examination process.^{xxxv} This balance between the effectiveness of crime eradication and protection of human rights is the main benchmark of the quality of a nation's judicial system.

The fundamental transformation in the enforcement of criminal procedural law in Indonesia began with the promulgation of Law Number 8 of 1981 concerning the Criminal Procedure Law (KUHAP) which ended the legacy of the colonial inquisition system. In the old system, individuals who are confronted by the law are often placed as mere objects of investigation without adequate protection of procedural rights. The presence of the Criminal Procedure Code restricts the position of suspects and defendants as independent legal subjects who have human rights that must be respected by every law enforcement official, ranging from the level of investigation to court decisions with permanent legal force.

The position of the defendant who is in a vulnerable position before state power requires a comprehensive guarantee of the principle of *due process of law*. This principle requires that each stage of the examination be carried out honestly, transparently, and in accordance with the applicable legal corridor without any engineering or physical and psychological pressure. This protection is not only administrative, but touches on the substance of substantive justice where the defendant is given full freedom to present his defense before the trial without fear.^{xxxvi}

One of the most important foundations in realizing the protection of the rights of the accused is the consistent application of the principle of *the presumption of innocence*. This principle requires that every person accused of committing a criminal act must be presumed innocent until proven guilty through a valid court decision.^{xxxvii} The juridical consequence born from this principle is the affirmation that the burden of proof is entirely on the shoulders of the Public Prosecutor, so that the defendant is relieved of the obligation to prove his innocence before a panel of judges.^{xxxviii}

In addition to the principle of presumption innocence, the principle of equality *before the law* is manifested in real terms through the provision of legal aid facilities for indigent defendants. The disparity in intellectual, economic, and legal understanding capacity between ordinary defendants and state prosecutors is overcome through the legal obligation to appoint legal counsel for cases threatened with serious criminal charges.¹⁸ The state, through legal instruments, requires judicial officials to provide legal assistance to ensure that the procedural rights of defendants are not neglected due to their economic limitations.

The dynamics of material criminal law in Indonesia are currently entering a new chapter with the enactment of a new Criminal Code (KUHP) through Law Number 1 of 2023. This codification of the national criminal law brings a very significant shift in the criminal paradigm, namely moving from the classic (*retributive*) model of retribution to a more modern approach in the form of corrective, rehabilitative, and restorative.^{xxxix} This paradigm change directly expands the protection of the rights of the accused, because the orientation of the criminal is no longer solely to physically punish the perpetrator, but to repair and restore the social situation damaged by criminal acts.

The presence of alternative sanctions in the new Criminal Code, such as supervision and social work crimes, provides a humane discretionary instrument

for judges in deciding cases. This policy is considered very effective in overcoming the chronic problem of overcapacity of correctional institutions while providing proportionate justice for defendants with a low level of error. Although the general criminal law framework has provided adequate protection guarantees, a major challenge arises in the realm of the special criminal law regime (*lex specialis*). Special criminal law was established specifically to deal with extraordinary crimes such as corruption, terrorism, money laundering, and cybercrime that have high destructive power to the economy and state security.^{xl} The characteristics of this extraordinary crime force lawmakers to formulate procedural law rules that deviate from the provisions of the Criminal Procedure Code in order to pursue the effectiveness of the prosecution.^{xli}

Procedural irregularities in special criminal law, such as the extension of detention periods, the use of reverse evidentiary techniques, and the legality of special electronic evidence, often spark theoretical debates among legal academics. On the one hand, such instruments are urgently needed to dismantle complex organized crime networks; but on the other hand, they have the potential to dilute the standard of protection of the fundamental rights of defendants.^{xlii}

The role of judges as the main guardian of honest and fair justice (*impartial judge*) is the last bastion in bridging the conflict between the interests of law enforcement and protection of the rights of the accused. In passing a verdict, the judge must not only be based on the formalities of the law, but must explore the values of justice that live in society and ensure that at least two valid pieces of evidence are fulfilled accompanied by a deep conviction of conscience.^{xliii} The freedom of the judge from all forms of external intervention is an absolute condition so that the rights of the accused to obtain a fair trial can be realized.

The evidentiary stage before the trial is the culmination point where all the rights of the defendant are tested openly and transparently. Through the examination of witnesses, experts, and the submission of a memorandum of defense (*pleidoi*), the defendant is given the widest space to break the postulates of the public prosecutor's indictment.^{xliv} The active involvement of the defendant and his legal counsel in refuting the accusations proves that the Indonesian criminal justice system does not run unilaterally, but upholds the principle of balanced legal debate (*adversarial system*).

V. CONCLUSION

Based on the discussion, it can be concluded that the protection of the defendants rights about criminal justice process in Indonesia plays a crucial role as the main pillar of the enforcement of a democratic and just state of law. Although the positive legal framework, whether through the Criminal Code instrument, the new Criminal Code update, to special arrangements in the *lex specialis* regime, has formulated comprehensive normative guarantees such as the principle of presumption innocence, the right to legal aid, and the right to self-defense, its implementation in the field still faces various structural and cultural challenges. The dynamics of criminal law enforcement demand a *fair balance* between the effectiveness of the eradication of crime by the state and the constitutional obligation to always respect the dignity, dignity, and fundamental rights of defendants from all forms of arbitrary actions.

Therefore, strengthening the moral commitment and professionalism of law enforcement officials, increasing equitable access to legal aid for marginalized communities, and independent supervision by the judiciary are absolute and non-negotiable requirements. The harmonization of norms between general criminal law and special criminal law must continue to be evaluated periodically to ensure that the criminal justice process is not trapped in mere procedural formalities, but is able to realize humanist substantive justice. Thus, Indonesia's criminal justice system in the future is expected to be not only effective in cracking down on criminals, but also consistently being the main protector of human rights for every citizen who is confronted with the law.

REFERENCES

- Amara, R., Muslimah, P. A., Dewi, N. S., & Putra, T. H. (2025). Implementation of the presumption of innocence principle in civil procedure law. JUSTICES: Journal of Law, 4(3), 181–192. <https://doi.org/10.58355/justices.v4i3.199>
- Daharis, A., Herlina, S., Suningrat, N., Herwantono, & Rahman, Y. S. (2024). Hak-hak tersangka dan terdakwa dalam proses persidangan. Jurnal

Kolaboratif Sains, 7(6), 2207–2214.
<https://doi.org/10.56338/jks.v7i6.5551>

Hasan, Z. (2025). Hukum pidana. CV. Alinea Edumedia.

Hasan, Z. (2025). Hukum acara pidana. CV. Alinea Edumedia.

Hasan, Z. (2026). Hukum pidana khusus. CV. Alinea Edumedia.

Luntungan, N. G., Rusdi, M., & Sierrad, M. Z. (2023). Asas praduga tak bersalah dalam hukum pidana: Refleksi hak asasi manusia. *Juris Humanity: Jurnal Riset dan Kajian Hukum HAM*, 64–72.

Puspita, D. P. Y., & Sanyoto, S. (2024). Penerapan dan pemberian bantuan hukum bagi masyarakat kurang mampu. *Soedirman Law Review*, 6(3).
<https://doi.org/10.20884/1.slr.2024.6.3.16080>

Rani, F. H., & Maknun, L. (2022). Hak-hak terdakwa selama proses persidangan di Mahkamah Pidana Internasional berdasarkan Statuta Roma. *Lex Librum: Jurnal Ilmu Hukum*, 9(1), 15–26.
<https://doi.org/10.46839/ljih.v9i1.639>

Saleh, K. (2022). Pemenuhan hak atas perlakuan yang sama di hadapan hukum melalui penyelenggaraan bantuan hukum oleh pemerintah daerah. *Sol Justicia*, 5(1), 76–86.

Salsabilla, R. A. (2026). Implementasi penyuluhan hukum tentang hak terdakwa dalam sistem persidangan pidana di Rutan Salemba. *Jurnal Pengabdian Masyarakat Mentari*, 2(8), 366–373.
<https://doi.org/10.59837/jpmm.v2i8.247>

Saroinsong, L. A., Rimbing, N., & Tooy, C. S. (2023). Asas praduga tak bersalah (presumption of innocence) dalam perspektif hak asasi manusia. *Lex Administratum*, 1–15.

Simbolon, N. Y., & Laia, O. (2019). Analisis penerapan asas praduga tidak bersalah terhadap pelaku tindak pidana pencurian dengan kekerasan. *Journal Review*, 1–10.

S, Dudik. (n.d.). Perlindungan hak-hak tersangka dan terdakwa dalam penahanan. Fakultas Hukum Universitas Bhayangkara Surabaya.

- Soleran, F. E., Rumimpunu, D., & Tooy, C. (2023). Perlindungan hukum terhadap korban dan pelaku kejahatan berdasarkan asas equality before the law. *Lex Administratum*.
- Santoso, W. A., Subekti, Nasution, D. W., & Cornelis, V. I. (2026). Perlindungan hukum terhadap hak-hak tersangka dalam proses penyidikan di kepolisian. *Journal of Artificial Intelligence and Digital Business (RIGGS)*, 5(1), 83–90.
- Tefa, Y. G., & Yusuf, H. (2025). Penerapan asas praduga tak bersalah dalam praktik peradilan pidana di Indonesia. *Causa: Jurnal Hukum dan Kewarganegaraan*, 15(1). <https://doi.org/10.3783/causa.v2i9.2461>
- Triwulandari, N. G. A. A. M. (2020). Problematika pemberian bantuan hukum struktural dan non struktural kaitannya dengan asas equality before the law. *Jurnal Ilmiah Kebijakan Hukum*, 14(3), 539–552. <https://doi.org/10.30641/kebijakan.2020.V14.539-552>

END NOTE

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- ⁱ Zainudin Hasan, *hukum pidana* (Bandar Lampung: CV. Alinea Edumedia, 2025), p. 5.
- ⁱⁱ *Ibid.*, p. 4.
- ⁱⁱⁱ Rahma Andhara Salsabilla, "Implementasi Penyuluhan Hukum Tentang Hak Terdakwa dalam Sistem Persidangan Pidana di Rutan Salemba," *Jurnal Pengabdian Masyarakat Mentari* 2, no. 8 (2026): 366–373.
- ^{iv} Febrina Hertika Rani dan Luil Maknun, "Hak-Hak Terdakwa Selama Proses Persidangan di Mahkamah Pidana Internasional Berdasarkan Statuta Roma," *Lex Librum: Jurnal Ilmu Hukum* 9, no. 1 (2022): 15–26.
- ^v Ade Daharis et al., "Hak-hak Tersangka Dan Terdakwa Dalam Proses Persidangan," *Jurnal Kolaboratif Sains* 7, no. 6 (2024): 2207–2214.
- ^{vi} Salsabilla, *loc. cit.*
- ^{vii} *Ibid.*, p. 165.
- ^{viii} *Ibid.*, p. 167.
- ^{ix} Wahyu Aji Santoso et al., "Perlindungan Hukum terhadap Hak-Hak Tersangka dalam Proses Penyidikan di Kepolisian," *Journal of Artificial Intelligence and Digital Business (RIGGS)* 5, no. 1 (2026): 83–90.
- ^x *Ibid.*, pp. 59–60.
- ^{xi} Zainudin Hasan, *Hukum Pidana Khusus* (Bandar Lampung: CV. Alinea Edumedia, 2026), pp. 1–3.
- ^{xii} *Ibid.*, pp. 4–5.
- ^{xiii} *Ibid.*, p. 5.
- ^{xiv} Zainudin Hasan, *Hukum Pidana*, *op. cit. cit.*, p. 62.
- ^{xv} Dudik S., "Protection of the Rights of Suspects and Defendants in Detention," Faculty of Law, Bhayangkara University, Surabaya.
- ^{xvi} Ade Daharis et al., "Hak-hak Tersangka Dan Terdakwa Dalam Proses Persidangan," *Jurnal Kolaboratif Sains* 7, no. 6 (2024): 2207–2214.
- ^{xvii} *Ibid.*, pp. 149–150.

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- ^{xviii} Risa Amara et al., "Implementation of the Presumption of Innocence Principle in Civil Procedure Law," *JUSTICES: Journal of Law* 4, no. 3 (2025): 181–192.
- ^{xix} Zainudin Hasan, *Criminal Law* (Bandar Lampung: CV. Alinea Edumedia, 2025), p. 99.
- ^{xx} Nanci Yosepin Simbolon dan Obedi Laia, "Analisis Penerapan Asas Praduga Tidak Bersalah terhadap Pelaku Tindak Pidana Pencurian dengan Kekerasan," *Journal Review* (2019): 1–10.
- ^{xxi} Zainudin Hasan, op. cit., p. 62
- ^{xxii} Ledi A. Saroinsong, Nontje Rimbing, and Christine S. Tooy, "Asas Praduga Tak Bersalah (Presumption of Innocence) dalam Perspektif Hak Asasi Manusia," *Lex Administratum* (2023): 1–15.
- ^{xxiii} Yosep G. Tefa dan Hudi Yusuf, "Penerapan Asas Praduga Tak Bersalah dalam Praktik Peradilan Pidana di Indonesia," *Causa: Jurnal Hukum dan Kewarganegaraan* 15, no. 1 (2025).
- ^{xxiv} Ni Gusti Agung Ayu Mas Triwulandari, "Problematisa Pemberian Bantuan Hukum Struktural dan Non Struktural Kaitannya dengan Asas Equality Before the Law," *Jurnal Ilmiah Kebijakan Hukum* 14, no. 3 (2020): 539–552.
- ^{xxv} Zainudin Hasan, op.cit., (Bandar Lampung: CV. Alinea Edumedia, 2025), p. 16
- ^{xxvi} Kurnia Saleh, "Pemenuhan Hak atas Perlakuan yang Sama di Hadapan Hukum melalui Penyelenggaraan Bantuan Hukum oleh Pemerintah Daerah," *Sol Justicia* 5, no. 1 (2022): 76–86.
- ^{xxvii} Zainudin Hasan, op. cit., p. 165
- ^{xxviii} Dessi Perdani Yuris Puspita dan Sanyoto, "Penerapan dan Pemberian Bantuan Hukum bagi Masyarakat Kurang Mampu," *Soedirman Law Review* 6, no. 3 (2024)
- ^{xxix} Frienalya Elsa Soleran, Dientje Rumimpunu, and Christine Tooy, "Perlindungan Hukum terhadap Korban dan Pelaku Kejahatan Berdasarkan Asas Equality Before the Law," *Lex Administratum* (2023).
- ^{xxx} Ibid., pp. 59–60.
- ^{xxxi} Ibid., pp. 147–150.
- ^{xxxii} Zainudin Hasan, *hukum pidana* (Bandar Lampung: CV. Alinea Edumedia, 2026), pp. 1–3.
- ^{xxxiii} Ibid., pp. 6–7.
- ^{xxxiv} Zainudin Hasan, *hukum pidana khusus* (Bandar Lampung: CV. Alinea Edumedia, 2025), pp. 4–5.
- ^{xxxv} Ibid., p. 5.
- ^{xxxvi} Ibid., p. 161.
- ^{xxxvii} Ibid., p. 99.
- ^{xxxviii} Ibid., p. 62.
- ^{xxxix} Ibid., p. 59.
- ^{xl} Zainudin Hasan, *hukum pidana khusus* (Bandar Lampung: CV. Alinea Edumedia, 2026), pp. 1–3.
- ^{xli} Ibid., p. 5.
- ^{xlii} Ibid., pp. 4–5.
- ^{xliii} Zainudin Hasan, *hukum pidana* (Bandar Lampung: CV. Alinea Edumedia, 2025), p. 62.
- ^{xliv} Ibid., pp. 149–150.